Remarks

In response to the Office Action dated June 05, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 1-3, 5-23 and 26-31 are pending. Claims 4, 24, 25, 29-31 have been cancelled without prejudice or disclaimer. Claims 1, 11 and 15 have been amended.

Claims 32 and 33 are new however, no new matter has been added. Support for the new claims 32 and 33 may be found in paragraph [0015] of the specification.

Interview Summary

A phone interview was conducted on August 13, 2007 between Examiner Chankong and Applicants' representative, Arno Naeckel. During the interview it was discussed that independent claims 23 and 28 are allowable subject to a terminal disclaimer being filed. It was further discussed that claims independent claims 1, 11 and 15 would be amended to include the allowable subject matter and to clarify the role of the protocol server to remove the §112 rejection. The Examiner indicated that all claims would thereafter be allowable subject to a follow up search.

It was also discussed that a rule 131 declaration would be considered to remove the Trace reference as the Trace reference critical date antedates the filing date of the instant application by only one day.

Double Patenting

Claims 1-3, 5-23 and 26-28 stand rejected on the grounds of non-statutory obviousness double patenting as being unpatentable over claims 1-19 of US Patent 7,129,137 (the "'137 Patent"). Applicants dispute that the propriety of the rejection but in the interest of an efficient prosecution has elected to file a terminal disclaimer herewith in regards to claims 1-19 of the '137 Patent. As such, the nonstatutory double patenting rejection may be withdrawn.

112 Rejections

Claims 1, 11 and 15 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, the claims were unclear as to the role that the protocol server plays in the process of directing communications. Claims 1, 11 and 15 have been amended to clarify that the protocol server is responsible for the directing of the communications from the one network address to another. For example, amended independent claim 1 recites, in pertinent part, the "…protocol server is adapted to direct communications from the computer from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system…" Amended independent claims 11 and 15 have been amended to recite similar subject matter. Applicant respectfully asserts that amended independent claims 1, 11 and 15 now comply with §112 and the rejections may be withdrawn.

103 Rejections

Claims 1, 6, 10, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Jr. et al. (US Pat. No. 6,738,815), in view of Trace (US Pat. App. 2003/0046397) and further in view of Fortier (US Pat. App. 2003/0023601).

Claims 2, 3, 7 and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Fortier, Trace and further in view of Stone et al. (US Pat. No. 6,101,510).

Claims 15-17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Trace and in view of Kelley et al. (US Pat. No. 6,724,406).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Trace and further in view of Butts et al. (US Pat. No. 6,233,541).

Claims 8, 9, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Trace and further in view of Devine (US Pat. No. 6,598,167).

Claims 18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Trace, Kelley and Stone in view of Devine et al.

Applicants respectfully traverse these rejections.

<u>Claims 1, 6, 10, 11 and 13</u>

The Office Action rejects independent claims 1 and 11 by asserting that the combination of Willis, Trace and Fortier describes all of the claimed elements.

As a preliminary issue, Applicants note that the filing date of Fortier (May 8, 2002) postdates the filing date of the instant application (June 28, 2001). As such, the cited Fortier reference per se may not be prior art. Fortier apparently claims priority to provisional application 60/289,440 filed on May 8, 2001 (the "Fortier Provisional"). The Fortier Provisional antedates the instant application by 51 days. As such, Fortier is only prior art to the extent that the Fortier Provisional supports the subject matter in Fortier.

Amended independent claim 1 recites, in pertinent part:

[a] system for permitting a user to access data on a legacy system and an intranet, comprising…a protocol server for managing protocol regarding the computer access to the transaction server, wherein the protocol server is adapted to direct communications from the computer from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system and bypassing the transaction server by directing communications from the computer directly to the intranet.

The Office Action rejects amended independent claim 1 by asserting that Willis describes most of the claim elements. However, the Office Action concedes that Willis fails to describe that the protocol server bypasses the transaction server by directing communications from the computer directly to the intranet. The Office action proceeds by asserting that the combination of Trace and Fortier cures the discrepancy of Willis.

In particular, the Office Action is asserting that Trace describes a "[protocol server] that provides a connection to two different networks" and that "a [protocol server] directs communications from the computer from the first network address to a separate network address corresponding to the intranet that is distinct from the first network". (Abstract, [0002], [0050]). The Office Action further asserts that Fortier then describes a workstation connected to both a legacy system and a corporate internet.

Applicant respectfully asserts that Trace fails to describe the subject matter asserted to Trace by the Office Action. Trace describes the reconfiguring of a routing table within the <u>client</u> 104 (Para. [0040], See also [0029], [0033]). Upon a second connection being made by the client, a file is loaded that provides the client with new

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routes associated with the second connection and with a new gateway. However, Applicant respectfully points out that a routing table in the client device 104 is not describing a protocol server that provides connections to two different networks or that the protocol server directs communications from a first network address to a separate network address.

First, a routing table in a client device is not an "protocol server" as recited in the claims. A routing table is a database in the client. Further, reading the claim as a whole, the protocol server is coupled to the legacy system. A routing table in the client device can not reasonably be construed to be coupled to a legacy system.

Further, even if a routing table in a client may be construed as an "protocol server" the routing table is not "directing communications **from the at least one network address to a separate network address** …and, bypassing the transaction server by directing communications from the computer directly to the intranet". Trace is not bypassing anything. Trace is merely describing adding new set of direct routing instructions being implemented at the sending device and that are related to the second connection. There is no directing of communications **from one address to another** by the routing table. The routing table is being modified with new routing instructions to be applied before the communication is even sent. Since a routing table is not a protocol server and there is no directing of communications from **the at least one address** to a separate address, Trace fails to describe the subject matter asserted to Trace by the Office Action.

Fortier is concerned with providing methods to connect devices with incompatible protocols. Although Fortier describes a workstation in communication with an Intranet and with a legacy system, Fortier does not contain subject matter describing a protocol server that provides a connection to two different networks and that a protocol server directs communications from the computer from the first network address to a separate network address corresponding to the intranet that is distinct from the first network. Fortier, regardless of what the Fortier Provisional describes, fails to cure the conceded deficiencies of Willis.

As such, Applicant respectfully asserts that amended independent claim 1 now recites subject matter that is not described by the combination of Willis, Trace and Fortier

and is therefore allowable over the combination of Willis, Trace and Fortier. Amended independent claim 11 contains similar subject matter and is allowable for at least the same reasons. Claims 2, 3, 5-10 and 12-14 depend from an allowable independent claim 1 or 11 and are allowable for at least the same reasons.

Claims 2, 3, 7 and 14

Claims 2, 3, 7 and 14 are currently rejected as being unpatentable under the combination of Willis, Trace, Fortier and Stone. Because claims 2, 3, 7 and 14 depend from an allowable amended independent claim 1 or 11 and thus share its recitations, claims 2, 3, 7 and 14 are allowable over the combination of Willis, Trace, Fortier and Stone for at least the same reasons discussed above in regards to claims 1 and 11.

Claims 15-17 and 19

Independent claim 15 is rejected as being unpatentable under the combination of Willis, Trace and Kelley. Applicant respectfully traverses the rejections.

The Office Action rejects amended independent claim 15 by asserting that Willis describes most of the claim elements but concedes that Willis fails to describe that the protocol server bypasses the transaction server by directing communication form the computer directly to the intranet. The Office Action proceeds by asserting that the sub-combination of Trace and Kelley cures the discrepancies of Willis.

Amended independent claim 15 recites, in pertinent part,

[a] method for accessing data, comprising…bypassing the transaction server by directing communications using the protocol server from the computer directly to the intranet upon detecting the launch of the browser at the computer, and communicating with both the first network address and the separate network address such that communication with the legacy system and the intranet is maintained concurrently.

In paragraph 4, on page 2, the Office Action states that independent claims 1, 11 and 15 differ from independent claims 23 and 28 in that in 1, 11 and 15 the system interface merely directs communications from the client to a separate address without maintaining concurrent connections to both the legacy system and the intranet. On page 4, the Office Action continues to state that claims 23 and 26-28 are only rejected on double patenting grounds. As such, the Office Action is implicitly stating that the claim

recitations describing that "the interface directs communications from the client to a separate address while maintaining concurrent connections to both the legacy system and the intranet" is allowable subject matter.

Amended claim 15 recites, in pertinent part, "communicating with both the first network address and the separate network address such that communication with the legacy system and the intranet is maintained concurrently". Applicant respectfully asserts that amended independent claim 15 now recites subject matter that the Office Action impliedly concedes is not described by the combination of Willis, Trace and Kelley and is therefore allowable over the combination of Willis Trace and Kelley for at least this reason. Claims 16-22 depend from an allowable independent claim 15 and are allowable for at least the same reasons.

Claim 5

Claim 5 is currently rejected as being unpatentable under the combination of Willis, Trace and Butts. As discussed above, claim 5 depends from an allowable amended independent claim 1 and thus shares its features. As described in regards to claim 1, Willis fails to describe that the protocol server bypasses the transaction server by directing communication form the computer directly to the intranet.

As described in previous correspondence (See Applicant's response dated May 31, 2005) and briefly repeated here, Butts fails to describe the protocol server bypasses the transaction server by directing communication form the computer directly to the intranet . Butts simply describes a web client accessing a legacy system via a server.

Because Willis and Trace each fail to describe every claim element and Butts fails to cure the deficiencies of Willis and Trace, the combination of Willis, Trace and Butts fails to establish a prima facie case of obviousness. As such, claim 5 is allowable over the combination of Willis, Trace and Butts for at least these reasons.

Claims 8, 9 and 12

Claims 8-9 and 12 are currently rejected as being unpatentable under the combination of Willis, Trace and Devine. As discussed above, claims 8-9 and claim 12

depend from allowable amended independent claims 1 and 11, respectively, and share the recitations of their respective base claim.

As described above, Willis fails to describe that the protocol server bypasses the transaction server by directing communication form the computer directly to the intranet. As discussed in previous correspondence (See Applicant's response dated October 5, 2005) and briefly repeated here, Devine is concerned with establishing security protocols between web clients and enterprise legacy systems. Devine describes that after an initial browser launch, an internet connection is completed (Col. 12, l. 28-65). A that point the initial communication request from the computer is forwarded through the firewall via a socket connection and thereby connected to a server in the intranet. (Col. 13, l. 62-65). Merely connecting a standard computer internet communication received at a first address to an internet socket during logon is not describing the redirection of the communication such that the protocol server bypasses the transaction server by directing communication form the computer directly to the intranet.

Because the combination of Willis and Trace fails to describe each and every claim element and Devine fails to cure the deficiencies of Willis and Trace, Claims 8-9 and 12 are allowable over the combination of Willis, Devine and Trace for at least these reasons.

Claims 18 and 20-22

Claims 18 and 20-22 are currently rejected as being unpatentable under the combination of Willis, Trace, Kelley and Devine. Applicant notes that evidence may be provided indicating that Trace is not prior art vis-à-vis the instant application.

Claims 18 and 20-22 depend from allowable amended independent claim 15 and share its recitations. Amended independent claim 15 is allowable over the combination or Willis, Trace and Kelley. As discussed above, Devine also fails to cure the deficiencies of Willis. As such, claims 18 and 20-22 are allowable over the combination of Willis, Trace Devine and Kelley for at least the same reasons.

Conclusion

Applicants respectfully asserts that the application including claims 1-3, 5-23, and 26-28 is now in condition for allowance.   Applicant requests reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due for the new claims. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: September 05, 2007   _____/Arno Naeckel/_____
                                                   Arno Naeckel   Reg. No. 56,114

Withers & Keys, LLC
P.O. Box 71355
Marietta, Ga 30007-1355
(678) 565-4748